

WEST ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Interim Chair Hubert on Tuesday, March 17, 2015, at 7:00 p.m. in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota, 55118.

ROLL CALL

Commissioners present: Interim Chair Hubert and Commissioners McPhillips, Nelson, Kavanaugh and Leuer (arrived at 7:01 pm).

Commissioners excused: None.

Also Present:

Asst. Comm. Dev. Director Ben Boike, City Civil Engineer Luke Sandstrom, Council Liaison John Bellows, and Recording Secretary Trena Blume.

APPROVE MINUTES

ON MOTION of Nelson, seconded by Leuer, RESOLVED to approve the West St. Paul Planning Commission meeting minutes of December 16, 2014 as written.

Ayes: 5 Nays: 0 Abstain: 0

UPDATE AGENDA

Asst. Comm. Dev. Director Ben Boike requested that Case # 15-02 be moved from the second item to the first item because it will be a relatively short and quick review.

PUBLIC HEARINGS

CASE # 15-02

Application For An Interim Use Permit To Allow An Outdoor Food Stand And An Outdoor Display Of Plants In A B4 District Located At 2001 Robert Street - Cub Foods/Jerry's Enterprises.

Asst. Comm. Dev. Director Ben Boike reviewed the Interim Use Permit to allow an outdoor food stand and an outdoor display of plants in a B4 district located at 2001 Robert Street - Cub Foods/Jerry's Enterprises. Staff recommended approval of the Interim Use Permit to allow an outdoor food stand and an outdoor display of plants in a B4 district located at 2001 Robert Street - Cub Foods/Jerry's Enterprises subject to the five conditions outlined in the memo.

Public Hearing

Interim Chair Hubert opened the Public Hearing at 7:06 pm and seeing no one wishing to speak for or against the application, he closed the Public Hearing at 7:06 pm.

ON MOTION by Leuer, seconded by McPhillips, the Planning Commission recommended approval of Case #15-02, the Interim Use Permit to allow an outdoor food stand and an outdoor display of plants in a B4 district located at

2001 Robert Street - Cub Foods/Jerry's Enterprises subject to the five conditions outlined in the memo including: 1) the applicant shall meet the provisions as outlined in Section 23.5 of the Zoning Code; 2) the Interim Use Permit shall be valid from the date of Council approval through December 31, 2015; 3) No more than two Food Stands shall be located on-site at any given time and hours of operation shall be limited to 7 a.m. to 10 p.m.; 4) all Food Stands must be inspected by the State Health Department and must be located on the sidewalk fronting Cub Foods; and 5) the applicant shall provide a clear path for pedestrians on the sidewalk adjacent to the display / sales area.

Ayes: 5 Nays: 0 Abstain: 0

The application goes to Council for consideration on Tuesday, March 24, 2015 at 6:30 p.m.

CASE # 15-01
Application For Site Plan
Amendment To Allow
Modifications (Grading /
Landscaping) To An
Approved Site Plan
Located At 1200 Oakdale
Avenue – St. Croix
Lutheran High School

Asst. Comm. Dev. Director Ben Boike reviewed the Application for Site Plan amendment to allow modifications (grading/landscaping) to an approved site plan located at 1200 Oakdale Avenue – St. Croix Lutheran High School.

Comm. Nelson asked what is currently in the right-of-way and what does it look like. Asst. Comm. Dev. Director Boike replied it was basically sloped and not very consistent.

Comm. McPhillips asked about the caliper of the trees and if the trees that are to be removed are in the right-of-way. Asst. Comm. Dev. Director Boike explained the tree caliper requirements and stated the trees are in the city's right-of-way and none are located on private property.

Comm. Leuer asked what the wall would look like if you were facing north and where along the wall is the lowest vs the highest point(s). Asst. Comm. Dev. Director Boike explained the height of the upper wall is around 4 ½ to 5 feet high and the lower wall height somewhere in the 6 to 7 foot range.

Comm. Kavanaugh asked if the retaining walls would be located in the city's right-of-way. Asst. Comm. Dev. Director Boike replied the lower wall would be located in the city's right-of-way and maintained by the city with the upper wall being on the schools' property. It is being recommended the school move the wall two feet to the north so they would not have to come on

city's property to maintain their wall.

Comm. Nelson asked if in the planning of the pedestrian path were walls a requirement to be built. Asst. Comm. Dev. Director Boike replied yes because of the slopes and in the future as you get further west and closer to Oakdale Avenue the city would have to do a continuation of the wall. Comm. Nelson commented that if the school didn't build the retaining walls, the city would have had to build them.

Gene Pfeifer, 10862 Alberton Court, IGH (Applicant) and President of St. Croix Lutheran Church spoke regarding some general issues on the background of their project.

Comm. Leuer asked what the width of the fire lane would be from curb to curb and if Architect LaCasse would please give some specifics about the retaining walls. Architect LaCasse said the fire lane would be about 20 feet wide and gave a few specifics on the walls.

Interim Chair Hubert asked what the alternative plan for the wall was and Architect LaCasse said using I-beams or pre-cast concrete was originally planned but the new option is less expensive and more attractive.

Public Hearing

Interim Chair Hubert opened the public hearing at 7:32 pm.

Richard Stickler, Moreland Circle

Mr. Stickler asked if the retaining wall would be built on the property line of the owners on the north side of Moreland Circle and Asst. Comm. Dev. Director Boike replied it is in the staff recommendations that it be moved two feet into the right-of-way of the city. Mr. Stickler expressed concerns with the walking path and retaining walls as far as the lack of privacy, green space and cost to the residents of West St. Paul. Assistant Community Development Director Boike informed Mr. Stickler that there would be no costs to the residents only to St. Croix Lutheran Church and the city.

Pat Ricci, 305 Moreland Circle

Ms. Ricci spoke of her concern with the walking path intruding on her and her neighbors' privacy. Comm. Kavanaugh made clear this Site Plan amendment did not include the walking path

approval at this time.

Erin Watts, 293 Moreland Circle

Mrs. Watts talked about the devaluation of their house if the retaining walls and walking path were approved and thought an additional privacy fence being added would be a good neighborly thing to do.

Bob Pfoser, 325 Moreland Circle

Mr. Pfoser asked if the city or the county were responsible for the addition of the walking path. Asst. Comm. Dev. Director Boike said it was a city project. Bob replied if the city sold the land to St. Croix Lutheran Church the whole issue with the walking path and privacy would be null and void.

Interim Chair Hubert closed the Public Hearing at 7:42 pm.

Comm. Kavanaugh asked if the land in the city right-of-way was sold to the church if it would just be a re-grading plan or would there still be retaining walls to add. Asst. Comm. Dev. Director Boike replied it would be best to defer the question to the architect but he thought if the trail was not included there would still be a need for at least one retaining wall. Architect LaCasse commented that the lower retaining wall would still need to stay as is but the upper wall makes the grading for the trail.

Comm. McPhillips wanted to know how long the city has had their eye on the property to create the walking path. Asst. Comm. Dev. Director Boike said the walking path plan is approximately three years old.

Comm. Leuer asked if it was possible to make the walking path lower and put up a higher privacy fence. Architect LaCasse replied it would be too steep and they would run into the same issue with the privacy fence as they did with the retaining wall.

Comm. Kavanaugh asked why the city would take on the maintenance of the lower wall. Asst. Comm. Dev. Director Boike said it was in the original agreement and since it is in the right-of-way of the city it should be maintained by the city.

Comm. Nelson wondered about Section 3 regarding fencing. Asst. Community Development Director Boike explained that staff is recommending a privacy fence on the top retaining wall

and a non-privacy wall (42 foot high) for the lower wall. It was suggested that perhaps the lower non-privacy fence be switched with the higher privacy fence for an option to mitigate the neighbors' concerns.

Interim Chair Hubert asked if in the option of switching the fencing around if St. Croix Lutheran Church would be responsible for both of the fences. Assistant Community Development Director Boike said because the lower retaining wall would be on city property the City would be responsible for maintaining it.

Interim Chair Hubert re-opened the Public Hearing at 7:50 pm.

Rhinada Stickler, Moreland Circle

Mrs. Stickler wondered if the soil was tested before they ran into all of these problems. Architect LaCasse said there was a soil boring done but not in every area of the proposed amendment. Mrs. Stickler wondered why they had to put the building where they did and questioned why none of their opinions were considered.

Interim Chair Hubert re-closed the Public hearing at 7:52 pm.

Comm. Leuer made a motion to provide a privacy fence to the lower retaining wall that would give the neighbor's the privacy they desire.

Comm. Nelson suggested adding a privacy fence along the whole retaining wall. Comm. Leuer changed his motion to read to have a privacy fence along the entire property border with the residential neighborhood and it should be studied by city staff to see what that proper height would be. It will be built by the school and maintained by the city.

Commissioner Kavanaugh wanted to make sure the Council understands the costs the city would incur by maintaining the wall. Asst. Comm. Dev. Director Boike clarified the school would pay for both walls and the city would maintain the south wall and the south fence.

Applicant Jim Pfeifer spoke regarding his concerns with the school having to pay for the second wall and fence since it has nothing to do with them. And, he does not want extra pedestrian

traffic on school property so the possibility of using the fire lane is not acceptable. Asst. Comm. Dev. Director Boike explained the city's responsibility of the southern wall and this issue still has to go to City Council.

Interim Chair Hubert, Council Liaison Bellows and Commissioner Kavanaugh told the public members they should contact the city council members and attend the City Council meeting with the concerns they have.

ON MOTION by Leuer, seconded by Nelson, the Planning Commission recommended approval of Case #15-01, Application For Site Plan Amendment To Allow Modifications (Grading / Landscaping) To An Approved Site Plan Located At 1200 Oakdale Avenue – St. Croix Lutheran High School subject to the 20 conditions outlined in the memo and for the school to install a privacy fence along the south property border on top of the southern retaining wall at a height to be determined by city staff in the future. The fence will be paid for by the school and will be maintained by the City.

Ayes: 5 Nays: 0 Abstain: 0

The application goes to Council for consideration on Tuesday, March 24, 2015 at 6:30 p.m.

CASE # 15-03

**Application For A
Conditional Use Permit To
Allow A Columbarium In
A B3 District At 1400
Robert Street – Augustana
Lutheran Church**

Asst. Comm. Dev. Director Boike explained an application for a Conditional Use Permit to allow a columbarium in a B3 District at 1400 Robert Street – Augustana Lutheran Church.

Comm. McPhillips asked what bio-logs are and was told they are used for soil erosion control measures during construction.

Jim Andrews, 235 Kraft Road (Applicant)

Mr. Andrews discussed the desire to build a memorial garden that will eventually include three (3) columbaria cabinets for the inurnment of congregational members and their families on the church property behind the church. He stated to date there have been 65 niches purchased with his in-laws being the first in line.

Comm. McPhillips asked how many niches are planned to be put in the memorial garden.

Cori Johnson, Landscape Designer

Ms. Johnson explained that there would be room for 150 niches with the expansion in the future of two more cabinets when needed.

Comm. Kavanaugh asked if the memorial garden would be able to be moved in the future if necessary. Mr. Andrews explained that in the future if the church failed to exist that they would be responsible for moving the memorial garden.

Mr. Andrews questioned the need for the final construction plans needing to be signed by a licensed Engineer or Landscape Architect because of the costs already incurred and not wanting additional costs. Asst. Comm. Dev. Director Boike said the signing off by a licensed Engineer or Landscape Architect is part of the requirements for the city's CUP and is certainly sympathetic to his concern.

Interim Chair Hubert opened the Public Hearing at 8:23 p.m. and seeing no one wishing to speak for or against the application, he closed the Public Hearing at 8:23 p.m.

Comm. McPhillips asked about waiving the signature of the licensed Engineer or Landscape Architect. Asst. Comm. Dev. Director Boike said the planning commission could make a recommendation to City Council to waive this signature.

ON MOTION of Leuer, seconded by McPhillips, the Planning Commission recommended approval of Case # 15-03 Application For A Conditional Use Permit To Allow A Columbarium In A B3 District At 1400 Robert Street – Augustana Lutheran Church

The application goes to Council for consideration on Tuesday, March 24, 2015 at 6:30 p.m.

OLD BUSINESS

None.

NEW BUSINESS

A. Election of Officers

Commissioners discussed officer positions and decisions were made to have:

- Chair: Commissioner Hubert
- Vice Chair: Commissioner Leuer

**B. Environmental
Committee Liaison**

Asst. Comm. Dev. Director Boilke said there was a liaison position to be filled in the Environmental Committee and City Council Liaison John Bellows talked about the position he previously held. Meetings are held the first Wednesday of every month at 5:00 pm. It was decided to hold off until next month's meeting to appoint a member for that committee.

ADJOURNMENT

ON MOTION of Nelson, seconded by McPhillips, Commissioners RESOLVED to ADJOURN the March 17, 2015, regular meeting of the Planning Commission at 8:29 p.m.

All Ayes. 5/0